



Response to Comments

Rule: OAC 3745-1-05 (Water Quality Standards)

Agency Contact for this Package

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Ohio EPA made available for review and comment one proposed amended rule regarding antidegradation. This document identifies the comments and questions received during the associated comment period, which ended on November 10, 2010.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

Comment 1: The Association of Ohio Metropolitan Wastewater Agencies (AOMWA) appreciates the opportunity to comment on Ohio EPA's proposed amendments to the Anti-Degradation Rule set forth at OAC Section 3745-5-01. On July 20, 2010, Ohio EPA issued draft revisions to the Anti-Degradation Rule. On August 19, 2010, AOMWA submitted comments on the draft rule. The substance of AOMWA's comments was that OAC 3745-1-05(B)(2)(b), which addresses existing sources that are exempt from all provisions of the anti-degradation rule, should be amended to clarify that net increases from modifications to existing sources that are required under Ohio EPA approved Wet Weather Management Plans and/or Long Term Control Plans that address combined and/or sanitary sewer overflows should be exempt from all provisions of the anti-degradation rule. As AOMWA noted in its August 19 comment letter, such plans are subject to anti-degradation review and as such permit applications or other actions necessary to construct plant expansions or to implement other modifications required

under these plans should not be subject to additional anti-degradation review under the rule.

In response to AOMWA's comments, Ohio EPA stated as follows:

Application of the anti-degradation rule to combined and/or sanitary sewer overflows is outside the scope of this rulemaking. The Agency will consider this comment as we proceed with the comprehensive review of the antidegradation rule, currently out for public comment.

In light of this response, AOMWA notes that the proposed rule does not address the concerns stated in AOMWA's July 20 comments and that these concerns remain at issue. AOMWA appreciates Ohio EPA's commitment to address these concerns in its comprehensive review of the anti-degradation rule currently out for public comment and for which no comment deadline has been established.

Response 1:

As stated in Ohio EPA's response to comments received during the interested party review period, Ohio EPA will consider the above comment during the comprehensive five-year review of the Antidegradation rule.

End of Response to Comments